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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-370

13 FELCORANENDA VILLALUZ ESTUDILLO
a.k.a. FELCORANENDA ESCANILAS VILLALUZ
14 1004 WEST COVINA PKWY #444
WEST COVINA, CA 91790

A C C U S A T I O N

15 Registered Nurse License No. 370393

16

Respondent.

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19 Complainant alleges:

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PARTIES

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1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs (Board).

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2. On or about March 31, 1984, the Board of Registered Nursing issued
25 Registered Nurse License Number 370393 to Felcoranenda Villaluz Estudillo a.k.a. Felcoranenda
26 Escanilas Villaluz (Respondent). The Registered Nurse License was in full force and effect at all
27 times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

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1 failure to provide nursing care as required or failure to provide care or to exercise ordinary
2 precaution in a single situation which the nurse knew, or should have known, could have
3 jeopardized the client's health or life."

4 8. California Code of Regulations, title 16, section 1443, states:

5 "As used in Section 2761 of the code, 'incompetence' means the lack of possession
6 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed
7 and exercised by a competent registered nurse as described in Section 1443.5."

8 9. California Code of Regulations, title 16, section 1443.5 states:

9 "A registered nurse shall be considered to be competent when he/she consistently
10 demonstrates the ability to transfer scientific knowledge from social, biological and physical
11 sciences in applying the nursing process, as follows:

12 "(1) Formulates a nursing diagnosis through observation of the client's physical
13 condition and behavior, and through interpretation of information obtained from the client and
14 others, including the health team.

15 "(2) Formulates a care plan, in collaboration with the client, which ensures that
16 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
17 protection, and for disease prevention and restorative measures.

18 "(3) Performs skills essential to the kind of nursing action to be taken, explains
19 the health treatment to the client and family and teaches the client and family how to care for the
20 client's health needs.

21 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
22 subordinates and on the preparation and capability needed in the tasks to be delegated, and
23 effectively supervises nursing care being given by subordinates.

24 "(5) Evaluates the effectiveness of the care plan through observation of the
25 client's physical condition and behavior, signs and symptoms of illness, and reactions to
26 treatment and through communication with the client and health team members, and modifies the
27 plan as needed.

28 "(6) Acts as the client's advocate, as circumstances require, by initiating action to

1 improve health care or to change decisions or activities which are against the interests or wishes
2 of the client, and by giving the client the opportunity to make informed decisions about health
3 care before it is provided."

4 10. Section 480, subdivision (a), of the Code provides in pertinent:

5 "A board may deny a license regulated by this code on the grounds that the
6 applicant has one of the following:

7 "(2) Done any act involving dishonesty, fraud or deceit with the intent to
8 substantially benefit himself or another, or substantially injure another; or.

9 "(4) Done any act which, if done b a licentiate of the business or profession in
10 question, would be grounds for suspension or revocation of license.

11 "The board may deny a license pursuant to this subdivision only if the crime or act
12 is substantially related to the qualifications, functions or duties of the business or profession for
13 which application is made."

14 11. Section 481 states:

15 "Each board under the provisions of this code shall develop criteria to aid it, when
16 considering the denial, suspension o revocation of a license, to determine whether a crime or act
17 is substantially related to the qualifications, functions, or duties of the business or profession it
18 regulates."

19 12. California Code of Regulations, title 16, section 1444 provides in pertinent
20 part:

21 "A conviction or act shall be considered to be substantially related to the
22 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
23 present or potential unfitness of a registered nurse to practice in a manner consistent with the
24 public health, safety or welfare. Such convictions or acts shall include but not be limited to the
25 following:

26 "(a) Assaultive or abusive conduct. . . .

27 "(b) Failure to comply with any mandatory reporting requirements.

28 "(c) Theft, dishonesty, fraud or deceit."

13. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence regarding Patient No. 13 ¹⁾)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), for unprofessional conduct, in that from on or about September 24, 2003, through on or about October 7, 2003, while employed and on duty as a registered nurse and home health care services administrator at Wescove Home Health Services (Wescove), respondent was grossly negligent, as defined in section 1442, title 16, of the California Code of Regulations, by failing to provide supervision of nursing staff sufficient to insure competent nursing care to a home health care services patient. The circumstances are as follows:

16. Respondent stated she starting working full-time as the administrator for Wescove sometime in 1997. Wescove's 2003 records show that respondent was paid as the administrator at Wescove Home Health Services in Covina, California, from at least January 6, 2003, through at least October 5, 2003. Her duties included examining physicians' referrals to determine whether Wescove could provide the requested services, ensuring the delivery of quality care to patients by qualified staff, verifying staff credentials, and ensuring that patients' informed consent forms for treatment and insurance billing were signed and obtained before the agency provided any services.

1. The full names and identities of patients referred to in this accusation will be made available to respondent in discovery.

1 17. On or about September 24, 2003, a physician referred Patient No. 13 to
2 Wescove for home health care. The referral ordered skilled nursing visits to the patient's home
3 daily for seven days, three times for one week, and then weekly for seven weeks. The orders
4 included observation, assessment and evaluation of the patient's cardiovascular, pulmonary and
5 other systems, focusing particularly on critical indicators of hypertension. The physician's orders
6 directed a skilled nurse to teach, instruct and/or demonstrate to the patient and his care giver
7 information about the disease process, critical signs and symptoms to observe and report, and
8 pain management. The orders further required the skilled nurse on every visit to take the
9 patient's vital signs and to monitor his blood sugar levels for changes that would necessitate a
10 change in medication or dosage of medication. The skilled nurse was also to evaluate the patient
11 and/or his care giver on preparing and administering insulin injections. The skilled nurse was
12 also to note the location, duration, type and scale of pain (0-5), and to report to the physician any
13 arthritic pain and any other pain not relieved by rest or medications. The nurse was also to report
14 to the physician any unfavorable response, change or reaction, such as increasing shortness of
15 breath, to the ordered treatments and interventions.

16 18. Respondent assigned Allan G., a Licensed Vocational Nurse (LVN) to
17 make the initial physician-ordered home visit. The LVN started working for Wescove on or
18 about September 1, 2003, and continued working there until on or about October 6, 2003, when
19 he was terminated. When hired, the LVN was told that he would be trained on how to make
20 home visits. This was the LVN's first job at a home health agency. He was never trained in
21 home visitations.

22 19. Respondent instructed the LVN to check the patient's vital signs and to
23 ensure that the necessary eligibility forms were completed. The LVN visited Patient No. 13 on
24 September 24, 2003, and checked the patient's vital signs. He reported that the patient's blood
25 pressure was "okay." The LVN did not make any other home visits.

26 20. On October 7, 2003, the patient was admitted to White Memorial Medical
27 Center for intracranial hemorrhage, secondary to malignant hypertensive crisis; history of atrial
28 fibrillation, congestive heart failure and diabetes. Patient No. 13 expired on October 22, 2003.

1 21. Respondent claimed that the LVN had succeeded twice in four attempts to
2 visit the patient. Respondent further claimed that the patient had seen his physician twice
3 between September 24, 2003, and October 7, 2003, and that there was no cause for concern at the
4 time. Respondent's failure to ensure that the physician's orders for skilled nursing care were
5 carried out is an extreme departure from the standard of care.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct - Gross Negligence)**

8 22. Respondent is subject to disciplinary action under section 2761,
9 subdivision (a)(1), unprofessional conduct, in that she was grossly negligent, as defined in title
10 16, section 1442, of the California Code of Regulations, in carrying out her usual licensed
11 nursing functions, in that she failed to act as an advocate for Patient 13, as set forth above in
12 paragraphs 16 through 21.

13 a. Respondent failed to provide Patient 13 with the skilled nursing services
14 ordered by his physician.

15 b. Respondent directed an LVN, untrained in performing home visitations, to
16 take the patient's vital signs.

17 c. Respondent instructed or allowed the LVN to have the patient sign blank
18 forms for ten visits to be made by the home health care agency.

19 d. Respondent failed to ensure that the home health care nurse tested the
20 patient's blood sugar as ordered by the physician.

21 e. Respondent failed to ensure that the physician was notified regarding the
22 inability to coordinate a home visit with the patient.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct - Incompetence)**

25 23. Respondent is subject to disciplinary action under section 2761,
26 subdivision (a)(1), as defined in title 16, section 1443, of the California Code of Regulations,
27 unprofessional conduct, in that she failed to exercise that degree of learning, skill, care and
28 experience ordinarily possessed and exercised by a competent registered nurse, described in title

1 16, section 1443.5, California Code of Regulations, by her failure to provide Patient 13 upon
2 admission with skilled nursing services as ordered by the patient's physician, her assignment of
3 an untrained and inexperienced LVN to provide the physician-ordered home health care visits,
4 her failure to ensure that the patient's blood sugar was tested as ordered by the physician, and her
5 failure to notify the physician regarding the inability to coordinate home visits with the patient, as
6 set forth above in paragraphs 16 through 22.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Incompetence)**

9 24. Respondent is subject to disciplinary action under section 2761,
10 subdivision (a)(1), as defined in title 16, section 1443, of the California Code of Regulations,
11 unprofessional conduct, in that she failed to exercise that degree of learning, skill, care and
12 experience ordinarily possessed and exercised by a competent registered nurse, described in title
13 16, section 1443.5, California Code of Regulations, by her failure to verify the credentials of
14 registered nurses working at Wescove and her failure to ensure that 60 day patient care
15 summaries were completed. The circumstances are as follows:

16 a. A registered nurse, identified in the DHS survey as "Employee G" was
17 working at Wescove while her registered nurse license was revoked. A competent registered
18 nurse employed as an administrator would have verified the status of the nurse's license before
19 assigning or allowing the nurse to engage in activities requiring a valid registered nurse license.
20 Respondent admitted in October 2003 that she failed to verify the status of the license and was
21 not aware that the employee's license was revoked.

22 b. Respondent failed to ensure that 60 day patient care summaries were
23 completed for patients to be re-certified to receive MediCare services.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct - Incompetence)**

26 25. Respondent is subject to disciplinary action under section 2761,
27 subdivision (a)(1), as defined in title 16, section 1443, of the California Code of Regulations,
28 unprofessional conduct, in that she failed to exercise that degree of learning, skill, care and


1 experience ordinarily possessed and exercised by a competent registered nurse, described in title
2 16, section 1443.5, California Code of Regulations, by her failure to ensure that all patients under
3 Wescove's care were provided with the skilled nursing services ordered by physicians, as set
4 forth above in paragraphs 15 through 24.

5
6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 370393, issued
10 to Felcoranenda Villaluz Estudillo a.k.a. Felcoranenda Escanilas Villaluz.
- 11 2. Ordering Felcoranenda Villaluz Estudillo to pay the Board of Registered
12 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
13 Business and Professions Code section 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.

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16 DATED: 7/1/08

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18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California

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Complainant

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